

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
ALEXANDER SMIRNOV,
Defendant.

No. CR 2:24-cr-00091-ODW

[PROPOSED] ORDER

Upon Consideration of the Government’s Third Motion in Limine to Exclude Impermissible “Specific Instances of Conduct” Evidence, and the Defendant’s Response thereto, the Court grants the Motion and orders that the defendant is precluded from introducing evidence, argument, or questioning at trial regarding specific instances of conduct to prove his purported character for “truthfulness,” “honesty,” “helpfulness,” or “reliability.” These matters are not admissible under Federal Rule of Evidence 405(b) because the defendant’s character is not an “essential element” of the charges or defenses to either of the defendant’s charges for violations of 18 U.S.C. §§ 1001 and 1519. Therefore, evidence of specific instances of conduct is prohibited “to prove that on a particular occasion the person acted in accordance with the character or trait,” Fed. R. Evid. 404(a)(1), and, for the reasons discussed in the Government’s Motion, this Court agrees with other courts that have routinely excluded such matters from being raised before the jury.

Dated: _____

SO ORDERED

The Honorable Otis D. Wright, III
United States District Judge